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Docket No. 3940/3928A (CPA)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Applicant: Chen, et al.
Continued Prosecution
Application of
Serial No.: 08/997,774 filed December 24, 1997 with a first CPA
filed November 21, 2000
Title: CATALYTIC CONVERTER SYSTEM FOR INTERNAL COMBUSTION
ENGINE POWERED VEHICLES
Art Unit: 1764
Examiner: H. Tran

February 19, 2002

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231

ATTENTION: BOARD OF PATENT APPEALS AND INTERFERENCES

REPLY BRIEF

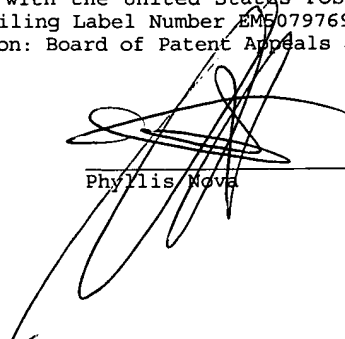
This Reply Brief is made subject to 37 CFR § 1.193(b) in response to the Examiner's Answer dated December 19, 2002.

The Examiner's Answer recites new rejections in Section (10) paragraphs 10-12. Such new grounds of rejection provide the basis for appellants to file this Reply Brief within two months of the date of the Examiner's Answer. Additionally, the Examiner's Answer raises a new point of argument which is addressed below.

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EM07976964US addressed to Commissioner for Patents, Washington, DC 20231, Attention: Board of Patent Appeals and Interferences.

Date: February 19, 2002


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Final Rejection -- December 29, 2000

Reference is made to Appellant's Brief at page 7, summarizing the original final rejection of rejected claims 1-7, 9-11, 15 and 17-20 of the present application. Claims 8 and 12-14 had been cancelled without prejudice to filing a continuation application.

New Grounds of Rejection

In the Examiner's Answer various of references which formed the basis of the rejections were eliminated. Certain of the rejections were also eliminated. The rejections under 35 USC 103 set forth in Section (10) paragraphs 10-12, were maintained as a combination of required references, except for U.S. Pat. No. 5,538,697 (Abe '697). Abe '697 was required in the original Office Action dated December 29, 2000 but was not included in the rejection in the Examiner's Answer. In the Office Action dated December 29, 2000 finally rejecting the application the corresponding rejections in paragraphs 14 and 25-27, Abe '697 was a required reference in the rejection.

Abe '697 had been relied on in the final rejection to show a gas inlet temperature in to the monolith to be in the range of 72 to 300°C. However, Abe '697 was distinguished for the reasons presented in Appellant's Brief at pages 10 and 14. Having withdrawn Abe '697, the Examiner, seeks to rely on EP 747,581 (EP'581) as disclosing the information which was asserted to be in Abe '697. EP '581 is asserted to disclose a catalyst having a light-off temperature of 92°C. However, this reference is distinguishable for the reasons presented in the Appellant's Brief at pages 10-11. Additionally, the claimed invention is directed to a catalyst "suitable for catalyzing the conversion of hydrocarbons, carbon monoxide, nitrogen oxides and other pollutants contained in an exhaust stream" (of an engine) (See claim 1). The catalyst of EP' 581 is cited at page 4, lines 51-54 as having a light-off temperature of 92°C. However, EP '581 discloses formulated gas streams. It is further stated at EP'581 at page 4, lines 55-59, that the light-off is inhibited by a controlled amount of C₃H₆. In later results of EP '581 at page 6, test 10 of EP'581 no such light-off temperatures are disclosed.

For the above reasons, the rejection in Section (10) paragraphs 10-12, based on EP '581 do not render claim 20 obvious.

Response to New Point of Argument

The Examiner asserts that Appellant's argument that WO '119 does not disclose a catalyst having the claimed low light-off temperature as required in the presently claimed invention, is refuted by results in Table 4 at page 32 of WO '119. However, at 150°C the Example 7 HC and CO conversions are both below the claimed light-off temperature requirements and the Ref. 2 CO below light-off; the Ref. 2 HC conversion is above the light-off temperature; and at 200°C the HC light-off results are reversed

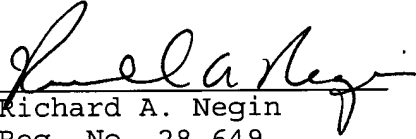
while the CO results for both are below light-off temperature. At the end of page 33 it is stated that, "while the present catalyst exhibited sufficient conversion rates of HC and CO although somewhat less than the reference catalyst."

Therefore, while WO '119 is directed to a catalyst useful for the treatment of diesel engine exhaust, there is no disclosure of a catalyst at a low temperature location having the criteria of claims 1 and more particularly claims 9 and 15. Nor does WO '119 disclose that the catalyst never be located so as to exposed to in excess of 550°C, even though it was only tested up to 500°C.

Accordingly, WO '119 taken alone or in combination with the other cited references does not render the present claims obvious.

For the above reasons, entry and consideration of this Reply with appellants' Appeal Brief in response to the expressed new grounds of rejection and new points of argument in the Examiner's Answer is respectfully requested.

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